

ENTERED

February 03, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

0.969 ACRES OF LAND, more or less, in
STARR COUNTY, TEXAS;

EVANGELINA GARZA CHAVEZ;

DORA GARZA HINOJOSA; MINERVA

GARZA SALINAS; BENITA GARZA

ZEPEDA a/k/a BENITA GARZA

CEPEDA; CELIA GARZA; ALICIA

GARZA VASQUEZ; HECTOR ANTONIO

GARZA; SAMUEL ALEJANDRO

GARZA; MAURO ANDRES GARZA;

UNKNOWN HEIRS OF JUAN ANTONIO

MUNIZ; UNKNOWN HEIRS OF PEDRO

GARZA; UNKNOWN HEIRS OF

HECTOR GARZA; and AMEIDA

SALINAS, Starr County Tax Assessor-

Collector,

Defendants.

CIVIL ACTION NO. 7:20-cv-00402

ORDER

The Court now considers “Plaintiff’s Opposed Motion for Continuance of the Joint Discovery/Case Management Plan and the Initial Pretrial and Scheduling Conference Pursuant to Fed. R. Civ. P. 26(f).”¹ The United States represents that three Defendants are unopposed to the requested relief, but attempted to contact three other Defendants and “has not been able to confirm whether they are opposed or unopposed to this motion.”² However, the United States

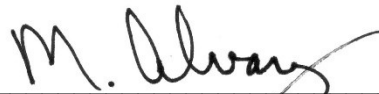
¹ Dkt. No. 15.² *Id.* at 3.

filed the instant motion on February 2, 2021, so the opposed motion will not be ripe until after the conference the United States seeks to continue.³ For present purposes, the Court will treat the instant motion as unopposed and consider it instant.

The United States requests a continuance of the February 16, 2021, initial pretrial and scheduling conference in light of newly inaugurated President Biden's proclamation concerning the border wall.⁴ The President's proclamation directs numerous heads of executive agencies to "pause work on each construction project on the southern border wall" and to "develop a plan for the redirection of funds concerning the southern border wall . . . within 60 days" from January 20th.⁵ "The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket."⁶ The Court finds good cause in the parties' request that this eminent domain proceeding be abated while the United States develops its plan concerning the border and associated land use. The Court **GRANTS** Plaintiff's motion⁷ and continues the initial pretrial and scheduling conference previously set for February 16th to **April 13, 2021, at 9:00 a.m.** The remainder of the Court's Order for Conference and Disclosure of Interested Parties remains intact.⁸

IT IS SO ORDERED.

DONE at McAllen, Texas, this 3rd day of February 2021.



Micaela Alvarez
United States District Judge

³ See LR7.3 (opposed motions are submitted after 21 days).

⁴ Dkt. No. 15 at 2, ¶¶ 1–4.

⁵ Proclamation No. 10142, §§ 1–2, 86 Fed. Reg. 7,225, 2021 WL 197402 (Jan. 20, 2021).

⁶ *Clinton v. Jones*, 520 U.S. 681, 706 (1997).

⁷ Dkt. No. 15.

⁸ Dkt. No. 4.